

## II. REMARKS

### Formal Matters

Claims 1-8 and 10-22 are pending.

Claims 1-8, 10-14, 19, and 20 were examined and were rejected. Claims 15-18, 21, and 22 were withdrawn from consideration.

Applicant respectfully requests reconsideration of the application in view of the remarks made herein.

### Examiner Interview

The undersigned Applicant's representative thanks Examiner Ann Y. Lam for the courtesy of a telephonic interview which took place on March 4, 2009, and which was attended by Examiner Lam, inventor Dr. Yadong Huang, and Applicant's representative Paula A. Borden.

During the interview, the rejection of claims 1-8, 10-14, 19, and 20 under 35 U.S.C. § 103(a), was discussed. The Examiner suggested that a Declaration under 37 C.F.R. §1.132 be filed. The undersigned Applicant's representative thanks Examiner Lam for the helpful suggestions.

### Rejection under 35 U.S.C. §103(a)

Claims 1-8, 10-14, 19, and 20 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Roses et al. (U.S. Patent No. 5,508,167; "Roses") in view of Huang et al. ((2001) *Proc. Natl. Acad. Sci. USA* 98:8838-8843; "Huang").

Applicant's position has been made of record, e.g., in the paper, filed on November 17, 2008 and responsive to the Office Action dated July 24, 2008.

As discussed during the March 4, 2009 interview, the cited art does not render any of instant claims 1-8, 10-14, 19, and 20 obvious. Applicant provides herewith as Exhibit 1 a Declaration under 37 C.F.R. §1.132 of Yadong Huang ("Declaration"). As explained in the Declaration: 1) Huang is the Applicant's own work; 2) as of the July 30, 2002 priority date of this application, it would not have been obvious that carboxyl-truncated apoE would be found in aqueous biological fluids.

Applicant submits that the rejection of claims 1-8, 10-14, 19, and 20 under 35 U.S.C. §103(a) has been adequately addressed in view of the remarks set forth in the Declaration, and in previous communications such as the paper, filed on November 17, 2008 and responsive to the Office Action dated July 24, 2008. The Examiner is thus respectfully requested to withdraw the rejection.

### III. CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number GLAD-281.

Respectfully submitted,  
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